

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of: Gerard Vahee et al.

Group Art Unit: 3689 : IBM Corporation
Examiner: Vanel Frenel : Intellectual Property Law
Serial No.: 09/660,852 : Department SHCB/040-3
Filed: 09/13/2000 : 1701 North Street
Confirmation No. 7942 : Endicott, New York 13760
Title: PROJECT MANAGEMENT
METHOD AND SYSTEM

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notification of Non-Compliant Appeal
Brief dated 04/21/2009, Appellants provide the following Amended
Appeal Brief.

AMENDED APPEAL BRIEF

(i) REAL PARTY IN INTEREST

The real party in interest is International Business Machines Corporation, a corporation of New York, with a place of business at Armonk, NY 10504.

(ii) RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences with which the undersigned is aware.

(iii) STATUS OF CLAIMS

Claims 1 - 8, 10 - 12 are pending in the present application. Claim 9 was cancelled in an amendment filed 8/30/2008. Claims 1 - 8, 10 - 12 have all been finally rejected and are the subject matter of this appeal.

(iv) STATUS OF AMENDMENTS

There are no amendments filed subsequent to the final rejection of 11/28/2008.

(v) SUMMARY OF CLAIMED SUBJECT MATTER

The present invention deals with management of projects in a company or organization. Embodiments of a method, system, tool, and computer program product for performing project management are separately claimed in independent claims 1, and 7 - 8, 10 - 12 as described below.

Independent claim 1 recites a process for managing a project (Specification page 1, lines 10 - 20, page 2, lines 15 -
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16, page 3, lines 6 - 20, and page 6, lines 7 - 8). A project management data model must be built. The data model must have entities and relationships described by text and graphical data (page 6, lines 15 - 25). The data model including the text and graphical data is entered into a relational database (page 6, line 26, to page 7, line 14). Claim 1 also requires that a project management tool for a project for production of a product or providing services be built. The tool has web pages built from the text and graphical data (page 7, lines 15 - 24, page 8 lines 5 - 10). Hyperlinks are generated in the web pages of the tool based on the relationships in the relational database (page 7, lines 25 - 26). The tool is then used to manage the project (page 7, lines 27 - page 8, line 4).

Dependent claim 5, dependent directly from claim 1, further requires that the project management data model which must be built in claim 1, comprise a project definition process, a change management process, a risk management tool, and an issue management tool (FIG. 3, 30, and page 9, lines 9 - 29).

Independent claim 7 is directed to providing a solution for meeting a business need for a process for production of a product or providing services. A business need is defined. A project management data model is built in response to the need, as in claim 1. All of the remaining limitations recited in claim 7 are identical to those of claim 1, except in the final step, the project management tool is operated to provide the solution which meets the need. The specification and figure references for the steps of claim 1, above, also apply to identical limitations recited in claim 7, as well as claims 8
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and 10 - 12 below. To avoid being unnecessarily repetitive, these references are not specifically stated in the description of each of these claims.

Independent claim 8 is directed to a system embodiment of the present invention, for project management (page 8, line 11, to page 10, line 11, and FIGs. 2 and 3). The elements of the system in claim 8 correspond to the steps of claim 1.

Independent claim 10 is similar to claim 8 but is directed to a system for managing (a plurality of) projects within an enterprise. In particular, claim 10 includes computer means for operating the tool and the data model to manage the projects within the enterprise. This is the same function in the last method step of claim 1, referring to Appellants' Specification (page 7, line 27, to page 8, line 4). Computer means are claimed in system claim 10 for performing this function.

The use of computer means for operating a tool and a data model is conventional and well known art and therefore need not be disclosed in detail. (See MPEP 2163, II, 3, a, paragraph 7.) Furthermore, where software constitutes part of a best mode of carrying out an invention, description of such a best mode is satisfied by a disclosure of the functions of the software. Thus, flow charts or source code listings are not a requirement for adequately disclosing the functions of the software. (See MPEP 2163, I, A, paragraph 2.)

Independent claim 11 is directed to a project management system similar to claim 8, but specifically implemented on a
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computer system. In light of MPEP 2163, II, 3, a, paragraph 7, and MPEP 2163, I, A, paragraph 2, as cited above, the structure for means for statements in independent claim 11 is well-known and adequately explained by reference to the respective method steps of parallel claim 1, which are hereby repeated.

A project management data model must be built. The data model must have entities and relationships described by text and graphical data (page 6, lines 15 - 25). The data model including the text and graphical data is entered into a relational database (page 6, line 26, to page 7, line 14). Claim 11 also requires that a project management tool for a project for production of a product or providing services be built. The tool has web pages built from the text and graphical data (page 7, lines 15 - 24, page 8 lines 5 - 10). Hyperlinks are generated in the web pages of the tool based on the relationships in the relational database (page 7, lines 25 - 26). The tool is then used to manage the project (page 7, lines 27 - page 8, line 4).

Independent claim 12 is directed to project management implemented as a computer program product. Structure for the instruction means of each element of claim 12 is well known and need not be disclosed according to MPEP 2163, II, 3, a, paragraph 7, and MPEP 2163, I, A, paragraph 2, as cited above. The elements of claim 12 are adequately explained by reference to the respective method steps of parallel claim 1, which are hereby repeated.

A project management data model must be built. The data
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model must have entities and relationships described by text and graphical data (page 6, lines 15 - 25). The data model including the text and graphical data is entered into a relational database (page 6, line 26, to page 7, line 14). Claim 12 also requires that a project management tool for a project for production of a product or providing services be built. The tool has web pages built from the text and graphical data (page 7, lines 15 - 24, page 8 lines 5 - 10). Hyperlinks are generated in the web pages of the tool based on the relationships in the relational database (page 7, lines 25 - 26). The tool is then used to manage the project (page 7, lines 27 - page 8, line 4).

(vi) GROUND OF REJECTION

There is only one ground of rejection. Claims 1 - 8, 10 - 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lungren (6,092,050) in view of Sanders (6,411,936).

(vii) ARGUMENT

Claims 1 - 8, 10 - 12 are patentable under 35 U.S.C. 103(a) over the prior art and particularly, U.S. Patents 6,092,050 (Lungren) in combination with U.S. Patent 6,411,936 (Sanders).

The combination of Lungren with Sanders does not describe or suggest all of the required steps of Appellants' claim 1. Appellants therefore respectfully disagree with this rejection and offer the following arguments in support thereof.

The Examiner correctly states that Lungren does not describe building a project management tool for a project for
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production of a product or providing services having web pages from said text and graphical data. The Examiner states that Sanders suggests this in FIG. 10; column 13, lines 8 - 65; column 21, line 66 to column 22, line 7. However, Sanders does not suggest this. First of all, FIG. 10 is not a project management tool at all. It can best be described as a value enhancement solution generator for an enterprise. Nowhere in column 13, which describes FIGs. 10 - 12, is there any suggestion of a project management tool. Nor is there any suggestion of a project management tool in columns 21 - 22. Sanders simply does not address a project management tool, much less building one as required by claim 1.

Knowledge management is defined by Sanders (column 2, line 30 - 34) as a discipline promoting an integrated approach to identifying, managing, and sharing all of the information assets in the enterprise... . In contrast, Applicants' claim 1 requires building a project management tool for a project for production of a product or providing services. Applicants define a project in their Specification page 1, lines 12 - 15, as having activities called processes. A project management system is used to monitor, regulate, control, and coordinate the processes (activities), with an objective of accelerating a product development schedule, maximizing efficiency of resource utilization, minimizing development cost, resulting product cost or any other defined criteria. While information or knowledge may be used in any human endeavor, including, of course, project management, the broad description of information assets and knowledge referred to in Sanders is clearly not the specific activities of a project for production of a product or providing

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services as required by Appellants' claim 1. Sanders states (column 2, lines 35 - 38) that knowledge management manages and improves the organizational learning process. He does not state or suggest that his knowledge management processes by themselves can be used to perform project management where the project is for production of a product or providing services. Appellants maintain that Sanders does not describe or suggest this important requirement of their claim 1.

It is not obvious that the knowledge management subject matter of Sanders is capable of performing the project management of Appellants' claim 1. For example, it is not obvious how the knowledge management system of Sanders could be used to manage the activities of a project for production of a product or providing services. The Examiner errs in stating that Sanders teaches this requirement of claim 1.

Regarding independent claim 1, the Examiner correctly states that Lungren does not disclose entering said project management data model in a relational database. The Examiner then states that Sanders suggests this in column 2, lines 40 - 56. However, Sanders does not describe or suggest this. What Sanders suggests is that knowledge management systems facilitate the collection, organization and transfer of knowledge aided by search engines, relational and object databases, GroupWare and other technologies. So Sanders states that knowledge management systems are aided by relational databases in facilitating the collection, organization and transfer of knowledge. He does not suggest that a project management data model is entered in a relational database.

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The Examiner also states that he relied on Sanders FIGs. 4 - 5 and column 2, lines 24 - 67, column 9, lines 10 - 67, and column 10, lines 3 - 67, which he states without further explanation, correspond to Appellants' claim 1 feature of entering said project management data model into a relational database. However, the subject matter in these cited parts of Sanders would to allow one of ordinary skill in project management to know how to build a project management data model or build a project management tool as required by Appellants' claim 1, and therefore clearly does not suggest entering a project management data model in a relational database. The Examiner also errs in stating that Sanders suggests this.

Claim 1 also requires generating hyperlinks in the web pages of the project management tool based on the relationships in the relational database into which the project management data model was entered. The Examiner incorrectly states that Sanders suggests this and again cites FIG. 10; column 13, lines 8 - 65; column 21, line 66, to column 22, line 7. As stated above, there is no suggestion of a project management tool here, and certainly no suggestion of generating hyperlinks in the web pages of such a tool based on the relationships in the relational database into which the project management data model was entered.

Claim 1 is therefore allowable over the combination of Lungren and Sanders because neither independently or when taken together describes or suggests these three important steps of claim 1.

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Appellants' independent claims 7, 8, 10, 11, and 12 recite limitations similar to claim 1 above. These claims are allowable for the same reasons as argued above for claim 1.

All of the remaining claims depend directly on allowable claim 1 and are therefore also allowable.

Appellants' position, therefore, is that rejection of the pending claims is in error and must be withdrawn. All of the claims are allowable under 35 U.S.C. 103(a) over Lungren in view of Sanders.

In view of the above, Appellants respectfully request that the Board reverse the Examiner's final rejection of all of the claims on appeal, and allow these claims.

Respectfully submitted,

Dated: 05/07/2009

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(viii) CLAIMS APPENDIX

1. A process for managing a project, comprising the steps of:

building a project management data model having entities and relationships described by text and graphical data;

entering said project management data model in a relational database;

building a project management tool for a project for production of a product or providing services, having web pages from said text and graphical data;

generating hyperlinks in said web pages of said tool based on said relationships in said relational database; and

using said tool to manage said project.

2. The process of claim 1, wherein said text includes guidance based on experience.

3. The process of claim 1, wherein said text has been entered in a word processor.

4. The process of claim 1, wherein said graphical data is entered in an image processing application program.

5. The process of claim 1, wherein said project management data model comprises a project definition process, a change management process, a risk management tool, and an issue management tool.

6. The process of claim 1, further comprising the step of parsing said text data by adding tags identifying the nature, beginning, and end of said entities described by text data and storing said parsed text data in said relational database.

7. A business process for transforming a business need into a strategy for providing a solution which meets said need, comprising the steps of:

defining said business need, wherein said need is for a process for production of a product or providing services;

building in response to said business need, a project management data model having entities and relationships described by text and graphical data;

entering said project management data model in a relational database;

building a project management tool comprising web pages from said text and graphical data;

generating hyperlinks in said web pages of said tool based on said relationships in said relational database; and

operating said tool to provide a solution which meets said need.

8. A system for project management, comprising:

a project management data model for a project for a process for production of a product or providing services, said model having entities and relationships described by text and graphical data;

a relational database containing said model;

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a project management tool having web pages generated from said text and graphical data;

hyperlinks in said web pages of said tool based on said relationships in said relational database; and

computer means for operating said tool and said data model to manage a project.

9. Cancelled.

10. A system for managing projects within an enterprise, comprising:

a project management data model for a project for a process for production of a product or providing services, said model having entities and relationships described by text and graphical data;

a relational database containing said model;

a project management tool having web pages generated from said text and graphical data;

hyperlinks in said web pages of said tool based on said relationships in said relational database; and

computer means for operating said tool and said data model to manage said projects within said enterprise.

11. A project management system implemented on a computer system, said project management system comprising:

means for building a project management data model for a project for a process for production of a product or providing services, said model having entities and relationships described by text and graphical data;

means for entering said project management data model in a relational database;

means for building a project management tool comprising web pages from said text and graphical data;

means for generating hyperlinks in said web pages of said tool based on said relationships in said relational database; and

means for using said tool to manage said project.

12. A computer program product for instructing a processor to provide a method of project management, said computer program product comprising:

a computer readable medium;

first program instruction means for building a project management data model for a project for a process for production of a product or providing services, said model having entities and relationships described by text and graphical data;

second program instruction means for entering said project management data model in a relational database;

third program instruction means for building a project management tool comprising web pages from said text and graphical data;

fourth program instruction means for generating hyperlinks in said web pages of said tool based on said relationships in said relational database; and

fifth program instruction means for using said tool to manage said project; and wherein

all said program instruction means are recorded on said medium.

(ix) EVIDENCE APPENDIX

The following evidence was submitted pursuant to §1.131 in the present application

Exhibit A - IBM invention disclosure SMS819990016.

Item 1 - a copy of a screen shot of IBM's internal Worldwide Project Management Method web site.

Item 2 - a copy of an electronic message (note) from IBM employees Sue Davies to John Wilson dated 8/12/99 (European date is 12/8/99).

Item 3 - a copy of an electronic message (note) from IBM employees Scott Wagert to Susan Iverson dated 11/19/99.

Item 4 - a copy of electronic message (note) from IBM employees Elyse Anchell to David Harris dated 11/24/99.

(x) RELATED PROCEEDINGS APPENDIX

None.